

REMARKS

Claims 1, 3-9, 11-15, 17-19, and 21-27 are currently pending in the subject application and are presently under consideration. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

I. Rejection of Claims 1, 3-9, 11, 14-15, 17-19, and 21-24 Under 35 U.S.C. §103(a)

Claims 1, 3-9, 11, 14-15, 17-19, and 21-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Montgomery, Jr. (US 6,205,343) in view of Romans (US 6,564,074). It is requested that this rejection be withdrawn for at least the following reasons. Montgomery, Jr. and Romans, when taken alone or in combination, fail to teach or suggest all aspects recited in the subject claims. Moreover, the references teach away from combination, and any such attempt to combine can only be offered using hindsight bias, which is impermissible.

[T]he prior art reference (or references when combined) must teach or suggest all claim limitations. See MPEP §706.02(j). See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). [W]hen the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be non-obvious. See *KSR v. Teleflex*, 550 U.S. ___, 127 S. Ct. 1727 (2007) citing *United States v. Adams*, 383 U. S. 39, 51-52 (1966). A factfinder should be aware, of course, of the distortion caused by hindsight bias and must be cautious of arguments reliant upon *ex post* reasoning. See *KSR v. Teleflex*, 550 U.S. ___, 127 S. Ct. 1727 (2007) citing *Graham v. John Deere Co. of Kansas City*, 383 U. S. 1, 36 (warning against a “temptation to read into the prior art the teachings of the invention in issue” and instructing courts to “guard against slipping into the use of hindsight” (quoting *Monroe Auto Equipment Co. v. Heckethorn Mfg. & Supply Co.*, 332 F. 2d 406, 412 (CA6 1964))).

The claimed subject matter generally relates to facilitating selective power management in a wireless mobile terminal such that some portions of the terminal may remain powered and operable while removing power from components not being utilized. In one example, a plurality of power management schemes, stored in a configuration

bank, can be employed while ensuring continuous and uninterrupted network connectivity by maintaining power to components necessary to facilitate such connectivity (e.g., network radio, CPU, etc). By keeping power to the network radio, the mobile device can receive network communications, though other portions of the device are in a low or no power state, including information regarding controlling power of the device. To this end, claim 1 recites in part *a power management component that utilizes at least one power management scheme to selectively control power to at least one portion of the wireless mobile terminal while maintaining power to a central processing unit (CPU) and a network radio of the wireless mobile terminal to ensure reliable uninterrupted network communication while removing power from other portions of the wireless mobile terminal to reduce power consumption.* Claims 14 and 19 recite similar aspects of maintaining reliable uninterrupted portable terminal network connectivity at least by supplying *full power to a CPU and a network radio* as well. Montgomery, Jr. and Romans, alone or in combination, fail to teach or suggest such claimed aspects.

Montgomery, Jr. relates to a cordless telephone handset that can implement power management to conserve battery power. Specifically, the cordless telephone takes advantage of a communication protocol timing to remove power from a transceiver except during transmit and receive time intervals. (See column 2, lines 63-65, column 4, lines 37-46, and column 5, lines 20-32). Thus, Montgomery, Jr. fails to disclose or suggest *maintaining power to a central processing unit (CPU) and a network radio of the wireless mobile terminal*, much less maintaining full power as recited in claims 14 and 19, as the power is clearly removed from the transceiver at given times. Romans fails to cure these deficiencies. Moreover, assuming *arguendo* that Montgomery, Jr. did contemplate maintaining power to a network radio, this would teach away from combination with Romans and such could only be accomplished using hindsight bias.

Romans relates to devices operating around a control point where the devices can be in an active or inactive power state, and the central point can transmit a beacon signal for which the devices move to an active state to receive. The central point beacon can comprise power information as well. However, if Montgomery, Jr. contemplated maintaining full power to a network radio and CPU, which it clearly does not as shown *supra*, it seems the wake-up beacon signals would have no effect on the device. Thus,

this teaches away from combining the references. Furthermore, one would only seek to combine the inventions (if Montgomery, Jr. disclosed maintaining full power to the network radio and CPU) using hindsight bias as the wake-up beacons would be rendered worthless in this regard.

In view of at least the foregoing, it is readily apparent that Montgomery, Jr. and Romans fail to teach or suggest each and every element of claims 1, 14, and 19. Thus, rejection of these claims, as well as claims 3-9, 11, 15, 17-18, and 21-24, which depend therefrom, should be withdrawn.

II. Rejection of Claims 12 and 25 Under 35 U.S.C. §103(a)

Claims 12 and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Montgomery, Jr. in view of Romans and Hetzler (US 5,954,820). It is respectfully requested that this rejection be withdrawn for at least the following reasons. Montgomery, Jr., Romans, and Hetzler, when taken alone or in combination, fail to teach or suggest all elements recited in the subject claims. In particular, Hetzler fails to make up for the aforementioned deficiencies of Montgomery, Jr. and Romans with respect to claims 1 and 24, from which claims 12 and 25 depend. Therefore, this rejection should be withdrawn.

III. Rejection of Claim 13 Under 35 U.S.C. §103(a)

Claim 13 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Montgomery, Jr. in view of Romans and Loughran (US 7,185,211). It is respectfully requested that this rejection be withdrawn for at least the following reasons. Montgomery, Jr., Romans, and Loughran, when taken alone or in combination, fail to teach or suggest all elements recited in the subject claim. In particular, Loughran fails to cure the aforementioned deficiencies of Montgomery, Jr. and Romans with respect to claim 1, from which claim 13 depends. Therefore, this rejection should be withdrawn.

IV. Rejection of Claim 26 Under 35 U.S.C. §103(a)

Claim 26 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Montgomery, Jr. in view of Romans and Roy, *et al.* (US 2005/0041652). It is respectfully requested that this rejection be withdrawn for at least the following reasons. Montgomery, Jr., Romans, and Roy, *et al.*, when taken alone or in combination, fail to teach or suggest all elements recited in the subject claim. In particular, claim 26 recites similar aspects as claim 1, and Montgomery, Jr. and Romans have been shown deficient in regard to claim 1. Roy, *et al.* fails to make up for the deficiencies of Montgomery, Jr. and Romans. Therefore, this rejection should be withdrawn.

V. Rejection of Claim 27 Under 35 U.S.C. §103(a)

Claim 27 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Montgomery, Jr. in view of Romans, Roy, *et al.*, and Hetzler. It is respectfully requested that this rejection be withdrawn for at least the following reasons. Montgomery, Jr., Romans, Roy, *et al.*, and Hetzler, when taken alone or in combination, fail to teach or suggest all elements recited in the subject claim. In particular, Hetzler fails to cure the aforementioned deficiencies of Montgomery, Jr., Romans, and Roy, *et al.* with respect to claim 26, from which claim 25 depends. Therefore, this rejection should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [SYMBP193US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/

Himanshu S. Amin

Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731